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AG/ICC WILLOWS LOAN OWNER, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re
CAREFREE WILLOWS, LLC,
Debtor.

**U.S. Bankruptcy Court
District of Nevada**
Bankruptcy Case No. 10-29932

WILLOWS ACCOUNT, LLC,
Appellant,
v.
AG/ICC WILLOWS LOAN OWNER, LLC *et al.*,
Appellees.

Case No. 2:14-cv-00637-RFB
Case No. 2:14-cv-00652-RFB

CAREFREE WILLOWS, LLC,
Appellant,
v.
AG/ICC WILLOWS LOAN OWNER, LLC *et al.*,
Appellees.

Case No. 2:14-cv-00654-RFB
Case No. 2:14-cv-00656-RFB

**STIPULATION RE STATUS
REPORTING**

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1 This Stipulation is entered into by and among Appellee AG/ICC Willows Loan Owner,
 2 LLC (“AG”), through its counsel, Ali M.M. Mojdehi, Esq., of Cooley, LLP; and Appellant in
 3 Case Numbers 14-cv-00654 and 14-cv-00656, CAREFREE WILLOWS, LLC (“Debtor”),
 4 through its counsel, Alan R. Smith, Esq., of the Law Offices of Alan R. Smith; and Appellant in
 5 Case Numbers 14-cv-00637 and 14-cv-00652, WILLOWS ACCOUNT, LLC (“Willows
 6 Account”), through its counsel, Michael D. Knox of Downey Brand LLP as follows:¹

7 1. A status conference was held in the four above-captioned appeals on December 12, 2014.
 8 Thereafter, the Court ordered that the parties file a joint status report setting out each party’s
 9 “position as to whether the briefing schedule should commence.” [*See, e.g.,* Case No. 14-cv-
 10 00637, Doc. No. 49.] The parties proceeded to file three Omnibus Joint Status Reports in these
 11 appeals advising the Court of the status of the Debtor’s bankruptcy case currently pending before
 12 the United States Bankruptcy Court for the District of Nevada (“Bankruptcy Court”), from which
 13 each of the appeals arises. [*See, e.g., id.*, Doc. 52, 54, 56.] As detailed in each of the status
 14 reports, the Bankruptcy Court has not yet ruled on plan confirmation. As such, the Debtor and
 15 Willows Account requested extensions of the time to submit to this Court whether briefing should
 16 commence in these appeals pending the Bankruptcy Court’s ruling on confirmation.

17 2. On March 31, 2015, the Court entered orders directing that the parties “file a status report
 18 within seven days following the Bankruptcy Court’s issuance of decisions on plan confirmation,
 19 but no later than” May 15, 2015. [*See, e.g., id.*, Doc. 58.] The Court also directed the parties to
 20 “file future requests as separate motions or stipulations, as appropriate.” [*Id.*]

21 3. On May 15, 2015, the parties filed their fourth Omnibus Joint Status Report. [*See, e.g., id.*
 22 Doc. No. 59.] The fourth joint report set out that the Bankruptcy Court held a status conference
 23 on May 13, 2015 to address plan confirmation and advised at that hearing that it would rule on the
 24 Debtor’s and AG’s respective plans by no later than May 22, 2015. The fourth joint report also
 25 stated that it “remains the position of the Debtor and Willows Account that until the parties
 26

27 ¹ The parties note that on May 13, 2015, The Honorable Judge Jennifer A. Dorsey entered an
 28 order reassigning an additional appeal, Case No. 15-cv-00581-RFB, arising from the Debtor’s
 bankruptcy case. [*See* Case No. 15-cv-00581-RFB, Doc. 16.]

1 receive the orders from the Bankruptcy Court on plan confirmation; it cannot be determined by
2 the Debtor and Willows Account which appeals will need to be prosecuted, or the manner in
3 which the appellate proceedings should proceed.” *[Id.]* Thus, the Debtor and Willows Account
4 requested that the time for filing a status report be extended until seven days following the
5 Bankruptcy Court’s issuance of decisions on plan confirmation, but no later than June 2, 2015.
6 *[Id.]* AG did not oppose the request. The fourth joint report also indicated that, in accordance
7 with the Court’s order, the parties would submit motions or stipulations as appropriate.

8 4. As of the time of this filing, the Bankruptcy Court has not issued any rulings on plan
9 confirmation. AG has requested that the Bankruptcy Court hold a status conference to address
10 plan confirmation give, among other things, the Bankruptcy Court’s statement that it would rule
11 by May 22. AG’s request for a status conference has not yet been granted or denied.

12 5. As submitted to the Court in the past, it remains the position of the Debtor and Willows
13 Account that until the parties receive the orders from the Bankruptcy Court on plan confirmation;
14 it cannot be determined by the Debtor and Willows Account which appeals will need to be
15 prosecuted, or the manner in which the appellate proceedings should proceed.

16 6. AG does not oppose further extension of the time to report the status of the bankruptcy
17 case to this Court. AG reserves all rights to move to dismiss the four above-captioned appeals as
18 well as appeal Case No. 15-cv-00581, and is anticipating doing so on grounds that all five appeals
19 are interlocutory.

20 7. AG proposed that the Parties should seek a status conference before this Court, but the
21 Debtor and Willows Account did not agree and so, the Parties leave it to the Court’s discretion.
22 The Debtor believes that a status conference would be wasteful of attorney time and Court time
23 because the Bankruptcy Court has yet to rule, despite multiple promises to do so. AG believes it
24 would be beneficial to discuss the status of these appeals and the Bankruptcy Case in a
25 conference before this Court and seek further guidance particularly where the above-captioned
26 appeals have been pending for over a year.

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1 8. The Parties agree that the time for filing a status report should be extended until seven
2 days following the Bankruptcy Court's issuance of decisions on plan confirmation, but no later
3 than July 24, 2015.

4 Respectfully submitted,

5 Dated: June 30, 2015

6 COOLEY LLP

7
8 By: /s/ Ali M.M. Mojdehi
ALI M.M. MOJDEHI

9 Attorneys for Appellee
10 AG/ICC WILLOWS LOAN OWNER, LLC

11 Dated: June 30, 2015

DOWNEY BRAND LLP

12 By: /s/ Jamie P Dreher
13 JAMIE P. DREHER

14 Attorneys for Appellant
15 WILLOWS ACCOUNT, LLC

16 Dated: June 30, 2015

LAW OFFICES OF ALAN R. SMITH

17 By: /s/ Alan R. Smith
18 ALAN R. SMITH

19 Attorneys for Appellant
20 CAREFREE WILLOWS, LLC

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22
23 IT IS SO ORDERED:

24 

25 RICHARD F. BOULWARE, II
26 United States District Judge

27 DATED this 13th day of July, 2015.